

### REMARKS

Claims 1-24 are pending in the application. Claims 1, 9, 12, 14, 21, and 23 have been amended. Claims 11, 13, 22, and 24 have been canceled. Claims 1-9, 12, 14-21, and 23 remain in the application.

Claim 1 has been amended by including subject matter previously recited in claim 11, which has been canceled. Claim 14 has been amended by including subject matter previously recited in claim 22, which has been canceled. Subject matter from canceled claim 13 is now recited in amended claim 12. Likewise, subject matter from canceled claim 24 is now recited in amended claim 23.

Claims 1-7, 10, 14-19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mashayekhi et al. (U.S. 2003/0074596; now U.S. Patent 6,910,150) in view of Umberger et al. (U.S. Patent 6,957,433).

Claims 8, 9, 11-13, 19, and 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mashayekhi et al. (U.S. 2003/0074596; now U.S. Patent 6,910,150) and Umberger et al. (U.S. Patent 6,957,433), and further in view of Ofek et al. (U.S. Patent 6,598,134).

Claim 1 has been amended to include the subject matter previously recited in claim 11, and claim 14 has been amended to include the subject matter previously recited in claim 22. As admitted in the Office Action, Mashayekhi and Umberger alone or in combination do not disclose “a write-detect process which detects when a resource write request applies to a resource that is in the process of being moved from a first server to a second server, and which in response to such resource write request writes copies of the resource to both of said first and second server”, as recited in amended claims 1 and 14.

The Office Action asserts that Ofek describes in Fig. 3 that a write command received by the first storage system during the migration is also sent to the second storage system. However, that is not what Fig. 3 shows. In Ofek, the first system does not receive write requests from a host at all; only the second system does. Elements 124 to 114 in Fig. 3 show a partial-track write; Ofek reads that track from the first system 14, update the portions affected by the write

request, and then writes it to the cache memory 18 -- which is in the SECOND system 16. Therefore, unlike the present invention, Ofek does not teach or suggest writing to both servers a resource that is in the process of being moved, as described, for example, on page 13-14, Table 1 and Table 2 of the instant specification.

Stated differently, Ofek records a write during migration only at the second system; the copy of the data at the first system reflects the state at the start of the migration. This makes the resulting system not tolerant of failures. If a failure occurs such that the migration does not complete, neither system has a full copy of the current data. The first system has old data; the second system has new data but only the portion that was migrated prior to the failure.


Conversely, the system of the present invention handles writes by performing them at both systems. The result is that the first system (the old system) always has the full and up to date data. If migration cannot be completed due to a failure, then all that is necessary is to abandon the incomplete new copy, and restart the migration operation (perhaps to a third system, if the second system has permanently failed). Ofek cannot do this, and will instead lose user data in this case.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. EQLC-P01-003 from which the undersigned is authorized to draw.

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Respectfully submitted,

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